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12 MCKAY, JOHN D. PAYNE, JEFF BEZOS,  
AND JENNIFER SALKE  
13

14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**  
16

17 DEMETRIOUS POLYCHRON, an  
18 individual

19 Plaintiff,

20 vs.

21 JEFF BEZOS, an individual, JENNIFER  
SALKE, an individual, SIMON  
22 TOLKIEN, an individual, PATRICK  
MCKAY, an individual, JOHN D.  
23 PAYNE, an individual, AMAZON  
STUDIOS LLC, a California Limited  
24 Liability Company, AMAZON  
CONTENT SERVICES LLC, a Delaware  
25 Limited Liability Company, THE  
TOLKIEN ESTATE, THE TOLKIEN  
26 ESTATE LIMITED, THE TOLKIEN  
TRUST, and DOES 1-100

27 Defendants.  
28

Case No. 2:23-cv-02831-SVW (Ex)

**[PROPOSED] ORDER GRANTING  
AMAZON DEFENDANTS'  
MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

Defendants Amazon Studios LLC, Amazon Content Services LLC, Patrick McKay, John D. Payne, Jeff Bezos, and Jennifer Salke (collectively, the “Amazon Defendants”) filed a motion to dismiss the First Amended Complaint (“FAC”) of plaintiff Demetrious Polychron (“Plaintiff”). Having reviewed and considered the motion and all other papers and argument, the motion is **GRANTED**.

Plaintiff’s FAC fails to plead contributory or vicarious copyright infringement against the Amazon Defendants. The FAC fails to establish direct infringement, which is a necessary element of both contributory and vicarious infringement. This is because Plaintiff’s work, as an unauthorized derivative work of J.R.R. Tolkien’s *The Lord of the Rings*, is not entitled to copyright protection as a matter of law. *See Anderson v. Stallone*, 1989 WL 206431, at \*8 (C.D. Cal. Apr. 25, 1989). In addition, even if Plaintiff’s work were entitled to copyright protection, it is not substantially similar to the Amazon Defendants’ original series, *The Lord of the Rings: Rings of Power*. *See Rentmeester v. Nike, Inc.*, 883 F.3d 1111, 1118 (9th Cir. 2018). Further, Plaintiff’s allegations of contributory and vicarious infringement are threadbare and conclusory and fail to plausibly allege which parties are alleged to have directly infringed and which have contributed to such infringement or are vicariously liable for such infringement. *See Luvdarts, LLC v. AT&T Mobility, LLC*, 710 F.3d 1068, 1072 (9th Cir. 2013).

Accordingly, Plaintiff’s FAC is **DISMISSED** in its entirety with prejudice.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Hon. Stephen V. Wilson  
United States District Judge